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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,969	12/02/2003	Jesse J. Jerabek	WMK 301A	4390
23581	7590	10/20/2004	EXAMINER	
KOLISCH HARTWELL, P.C. 520 S.W. YAMHILL STREET SUITE 200 PORTLAND, OR 97204			BASINGER, SHERMAN D	
			ART UNIT	PAPER NUMBER
			3617	

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/726,969

Applicant(s)

JERABEK ET AL.

Examiner

Sherman D. Basinger

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 12-21 is/are rejected.
- 7) ☒ Claim(s) 10 and 11 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>(2)4/12/04:8/23/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. The patent number for serial number 10/215361 should be inserted within the Cross-Reference to Related Application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Hamilton et al.

The seat disposed in the cockpit is shown in figure 14. The first hip brace is 800. The second hip brace is 802. Each hip brace is considered to be configured to receive attachment of a hip pad. Each hip brace is movably coupled to the seat such that a distance between the hip braces is adjustable-see the last four lines of paragraph [0089]. Each hip brace is movably coupled to the seat through pad 706.

4. Claims 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Hamilton et al.

The hip braces are 800 and 802. The back support coupled to the hip braces is 704. The fastener is the bolt received in apertures 768 and the connecting member is 740. The apertures are 768.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamilton et al in view of Whiteside.

In Hamilton et al the rigid support member is 726 and 738 of figure 14, and the pad is as 728 of figure 4. Hamilton et al does not disclose a fluid holding bladder disposed between the rigid support member and the pad. Note the fluid holding bladder 22 and the fluid holding bladder 24 of Whiteside. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains in view of bladder 22 of Whiteside to provide a fluid holding bladder disposed between the rigid support member and the pad of Hamilton et al. Motivation to do so is to provide a more comfortable back rest for the user of the seat system of Hamilton et al.

While Hamilton et al discloses the second fluid bladder 790, the pair of hip braces 800 and 802, the one connecting member 740, the bolt in apertures 768 as the one fastener, and the apertures 768 as the attachment features defining two different positions at which the back support is attachable to the connecting member, Hamilton et al does not disclose that the first fluid-holding bladder provided in view of Whiteside is coupled to a pump via a fluid transport line to allow a fluid to be selectively added to the fluid-holding

bladder, wherein the fluid transport line includes a first line segment coupled to the first bladder, a second line segment coupled to the second bladder, a third line segment coupled to the pump, nor a valve disposed along the fluid transport line at a junction between the first line segment, second line segment and third line segment.

Hamilton et al does disclose pump 804 and line segment 806.

Whiteside discloses that a first fluid-holding bladder 22 coupled to a pump 30 via a fluid transport line to allow a fluid to be selectively added to the fluid-holding bladder, wherein the fluid transport line includes a first line segment 22a coupled to the first bladder, a second line segment 20a coupled to a second bladder 20, and a third line segment 28 coupled to the pump, and further discloses a valve 26 disposed along the fluid transport line at a junction between the first line segment, second line segment and third line segment.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to provide in view of Whiteside a first fluid-holding bladder similar to 22 of Whiteside to the back support assembly coupled to a pump similar to 804 of Hamilton et al via a fluid transport line to allow a fluid to be selectively added to this first fluid-holding bladder, a first line segment similar to 22a of Whiteside coupled to the first bladder, a second line segment similar to 20a of Whiteside coupled to a second bladder 790 of Hamilton et al, a third line segment similar to 28 of Whiteside coupled to the pump 804 of Hamilton et al, and a

valve similar to 26 of Whiteside disposed along the fluid transport line at a junction between the first line segment, second line segment and third line segment. Motivation to do so is to allow selective inflation of the first and second bladders with pump 804 of Hamilton et al.

7. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamilton et al in view of Whiteside.

In Hamilton et al the rigid support member is 726 and 738 of figure 14, and the pad is as 728 of figure 4. Hamilton et al does not disclose a fluid holding bladder disposed between the rigid support member and the pad. Note the fluid holding bladder 22 and the fluid holding bladder 24 of Whiteside. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to provide a fluid holding bladder disposed between the rigid support member and the pad of Hamilton et al. Motivation to do so is to provide a more comfortable back rest for the user of the seat system of Hamilton et al.

8. Claims 1 and 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goucher et al in view of Whiteside.

Goucher et al discloses the hip grips 18 as the first item, back support assembly 56 as the second item, pump 36, fluid supply line 48 and valve 38.

Goucher et al does not disclose valve 38 as being configured to allow fluid flow from the pump to be directed selectively into at least one of the bladders of the first and second items. Whiteside shows valve 26 which is configured to allow fluid flow from the pump

30 to be directed selectively into at least one of the bladders of the first and second items 20 and 22. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains in view of valve 26 of Whiteside to modify valve 38 so that valve 38 would be configured to allow fluid flow from the pump 36 to be directed selectively into at least one of the bladders of the first and second items.

Goucher et al does not disclose the first line segment, second line segment, and the third line segment. Note the first line segment 22a of Whiteside, the second line segment 20a of Whiteside, and the third line segment 28 of Whiteside. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to replace valve 38 of Goucher et al with a valve similar to 26 of Whiteside and first, second and third line segments similar to 22a, 20a and 28 of Whiteside so that the bladders of the first and second items of Goucher et al can be selectively inflated. Motivation to do so is found in column 4, lines 50-52 of Goucher et al.

With regard to claim 6, note 18c, 20c, 22c and 24c of Whiteside. In providing a valve similar to 26 of Whiteside in place of the valve of Goucher et al, both claims 5 and 6 are met by the design of the valve 26 of Whiteside. In Whiteside, 18c, 20c, 22c and 24c can each be considered a valve in itself.

With regard to claim 7, by operating any two valves members provided to Goucher et al in view of 26 of Whiteside simultaneously, the first and the second bladder can be

inflated simultaneously. Operating each valve member alone allows for selective inflation of the bladders.

9. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goucher et al and Whiteside as applied to claim 1 above, and further in view of Hamilton et al. Goucher et al does not disclose the first item as being a seat assembly. Note that in Hamilton et al the seat assembly of figure 14 includes a first fluid holding bladder 790 inflatable by the user to increase the snugness of fit of the first item of outfitting on the user. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to provide to the seat assembly 44 of Goucher et al a bladder similar to 790 of Hamilton et al. Motivation to do so can be found in Goucher et al paragraph [0054].

Allowable Subject Matter

10. Claims 10 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Patera is cited to show the inflatable bladder used under the seat of a personal watercraft. Jerabek et al is the parent patent.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherman D. Basinger whose telephone number is 703-308-1139. The examiner can normally be reached on M-F (6:00-2:30 ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on 703-308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sherman D. Basinger
Primary Examiner
Art Unit 3617
10/15/04

sdb
10/15/04